

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES M. BLAIR,

Plaintiff,

v.

CITY OF MERCER ISLAND,

Defendant.

CASE NO. C17-0265-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Plaintiff's untimely response (Dkt. No. 63) to Defendant's motion for summary judgment (Dkt. No. 52). As the Court previously noted in its summary judgment order, Plaintiff's response in opposition to Defendant's motion for summary judgment was due May 14, 2018. (Dkt. No. 61 at 2.) Plaintiff failed to meet this deadline. Therefore, the Court could have considered any facts asserted in Defendant's motion as undisputed. (*Id.* at 3 n.3.) However, the Court elected to apply the legal standard when a non-moving party opposes summary judgment: Defendant was required to present sufficient evidence to negate an essential element of Plaintiff's claims. (*Id.* at 3.) Defendant met this standard. (*Id.* at 3–6.) None of the facts included in Plaintiff's untimely opposition, or the evidence contained in its supporting exhibits, rebut this evidence. (*See generally* Dkt. No. 63.)

Should Plaintiff wish to seek reconsideration of the Court's previous order, the Court will entertain such a request, but only if Plaintiff's motion comports with the requirements of Local Civil Rule 7(h).

DATED this 24th day of May 2018.

William M. McCool
Clerk of Court

s/Tomas Hernandez
Deputy Clerk